

**MEDINA CITY COUNCIL
REGULAR MEETING MINUTES**

March 8, 2004
7:00 PM

Medina City Hall
501 Evergreen Point Road

ROLL CALL

Present: Council members Miles Adam, Drew Blazey, Katie Phelps, Pete Vall-Spinosa, Deputy Mayor Nunn and Mayor Mary Odermat.

Absent/Excused: Council member Bob Rudolph

Staff Present: City Manager (CM) Doug Schulze, City Attorney Kirk Wines, Police Chief Jeff Chen, Director of Public Works (DPW) Shel Jahn, Planning Director (PD) Joseph Gellings and Recording Secretary Carol Wedlund. Consultant Building Official (BO) Bob Rohrbach was also present.

CALL TO ORDER

The meeting of the Medina City Council was called to order at 7:03 p.m.

APPROVAL OF MEETING AGENDA

It was suggested item number J-3 under Other Business, Intersection Sight Distance Regulations, be deferred to another meeting. It was also requested that item number J-7, Application for Rezone – Weymouth, be moved up to item number J-1. It was moved and seconded to approve the agenda as amended, and the motion carried unanimously.

ANNOUNCEMENTS

Mayor Odermat relayed the following:

- An ETP monthly business meeting is scheduled for Friday, March 12 from 7:30 to 9:30 a.m. at the Overlake Hospital Conference Center.
- The Emergency Preparedness Committee will meet Wednesday, March 17 at 5:00 p.m. in the Council chambers.
- An SR-520 Eastside Community Roundtable will occur on Wednesday, March 31 from 6:30 to 8:30 p.m. in the Peter Kirk Room of Kirkland City Hall.
- The Green Store Decision Petitioners' Motion for Summary Judgment would be heard Friday, March 12 at 9:30 a.m. in the King County Courtroom of Superior Court Judge Michael J. Fox.

CM Schulze stated the Council had requested a report on legal issues surrounding the trees on 84th Avenue NE. However, due to business the City Attorney had been handling regarding the Medina Store and school zoning issues, he was not yet finished, but would have the information available for the March Study Session. DPW Jahn added the next Tree Committee meeting consisting of Overlake Golf, St. Thomas and Council representatives would take place on April 5. However, if Council consensus was not reached, he suggested that meeting be delayed as well.

CONSENT AGENDA

Council member Vall-Spinosa moved, seconded by Council member Blazey, to approve the consent agenda. Mayor Odermat volunteered to serve as the city's representative to the Jail Assembly. The following modifications were made, and the motion carried unanimously:

- E-1 Minutes of February 9, 2004 Council Meeting – approved with change—pg. 3—Under City Manager's Report "court" should be "trustee".
- E-2 Minutes of February 23, 2004 Council Study Session – approved with changes—pg. 3—last paragraph, Project should be \$10 million; pg 4—paragraph 7, change "Medina Elementary to Bellevue School District.
- E-3 February 2004 Checks and Finance Officer's Report – approved
- E-4 NE 12th Street Overlay Project Bid Award - approved
- E-5 Authorize the City Manager to Execute Joint Powers Agreement for Regional Public Safety Communications Consortium – approved
- E-6 Appoint City Representative to Jail Assembly – Mayor Odermat appointed to Jail Assembly

AUDIENCE PARTICIPATION

Mayor Odermat opened the meeting to audience participation.

Ron Santi, 7842 NE 8th Street, stated the cost for the Medina Elementary School project was \$10 million, rather than \$3 million.

Susan Potts, 8443 NE 6th Street, complimented Medina police officers for being at SR-520 during rush hour, as their presence had made a difference.

REPORTS

Police Department—Chief Chen gave an overview of MPD activity during February:

- Four E-Alerts were issued during February.
- MPD apprehended an individual responsible for five car prowls in the Overlake Drive West area. Car prowlers were becoming more brazen, and had shattered a window to gain access to a vehicle. Chief Chen cautioned citizens to hide items so they were not visible.
- Chief Chen brought attention to brochures regarding identity theft that had been issued by MPD.
- MPD issued 193 infractions along NE 24th Street over the past 13 months, of which 62 percent were for speeding. MPD had emphasized traffic control to help reduce speeding in that area.
- Every 3-4 days, MPD moved the speed monitor to another location, and cycled it back to areas where they received citizen complaints. DPW Jahn added the PW Department had four in-lane pads that produced data such as vehicle speeds, sizes, and peak volumes. It could be set for specific time intervals. The highest speed recorded was 75-80 miles per hour.

Development Services—It was suggested contractors and homeowners be included in the Architect Focus Group.

Public Works—DPW Jahn reported the PW crew was focusing on planting trees, and following up with tree trimming/removal. He stated some sprout maple trees on property abutting resident **Rod Bindon's** parcel had been girdled by someone and as a result, had to be removed. He planned to plant a replacement tree in that spot.

Rod Bindon, 8424 NE 6th Street, stated the maple trees in question were seedlings from other ones, and there had never been a large maple in that location. He stated planting a large tree there would impact his potential view from the vacant lot at such time as he decided to develop it. Further, a large tree would impact the view from the **Riley** property as well. He was scheduled to meet with DPW Jahn the following afternoon regarding this issue.

Susan Potts, 8443 NE 6th Street, encouraged the Council not to plant trees that would block views.

DPW Jahn stated the girdled trees on NE 7th Street had blocked someone's view. Whoever girdled them had intent. He promised to produce a tree report at the March Study Session.

DPW Jahn also relayed the Bellevue sanitary sewer system had experienced a power outage and had used a backup generator for testing, which resulted in fumes and odor inside City Hall. He thought rerouting the exhaust further away from the building and having Bellevue test at a different time might solve the problem.

Park Board—There was no Park Board report.

Finance Committee—In response to a question from Council member Adam regarding the tree fund in the February Finance Report, CM Schulze explained the state auditor had issue with the tree fund classification as a special fund. There was a difference in how it was classified, and how that revenue and expenditures were reported in the total financial picture. However, the money in that fund was for trees only.

Mayor Odermat reported Sales and Use Tax appeared to be fluctuating on a monthly basis, and was down by 3 percent for February 2004. However, the city was meeting expenditure projections.

Personnel Committee—Council member Blazey indicated the Personnel Committee had met. However, they were waiting for a decision regarding whether or not to have subcommittees.

Emergency Preparedness Committee—Council member Blazey announced the next Emergency Preparedness Committee meeting was on March 17, 2004. Everyone was welcome to attend. It was noted the Home Emergency Preparedness Kit was now available. CM Schulze stated the quick guides would be distributed at Strengthening Preparedness Among Neighbors (SPAN) meetings as an incentive for residents to organize them.

City Manager's Report—CM Schulze explained sidewalks had been raised during a previous Council meeting, and the information in his City Manager's Report was to provide the Council with background information. Deputy Mayor Nunn suggested the sidewalk/roadway percentages should be checked. CM Schulze continued the monthly permit timeline report was helpful in defusing complaints in the future. Council member Blazey noted the PD was monitoring construction workers parking where they should not be, and the Council would need to address this issue. The PW crew was going to install no parking signs as their schedules permitted.

PUBLIC HEARING

School Special Use Permit Criteria—Mayor Odermat stated the Council was creating an ordinance that would apply to the three Medina school properties. Later on, the Council would hear the special use permit for Medina Elementary School. PD Gellings recalled at the February Study Session the Council had finalized the objective statements, and the PC had developed a recommendation for the Council since that time. He noted three aspects of this draft ordinance which were of concern to staff:

1. **Criterion D. Emergency Preparedness Center**—PD Gellings recommended elimination of Criterion D, because staff did not feel it was appropriate for city review of the school district's emergency preparedness plan as a special use permit requirement. Rather, any dialog on the topic should be confined to informal discussions between city staff and school staff.
2. **Criterion H. Parking**—Staff felt "school sponsored events" should be changed to "special events" to allow for the parking demand of large events held on school grounds that may not be direct school sponsored.
3. **Criterion K. Signs**—It was believed regulation of design for outdoor signs that were not visible from the public right-of-way might be outside of the city's zoning authority. He suggested some amendment of this language.

Mayor Odermat opened the public hearing to comments from the audience.

Speaking as a resident, **Mark Nelson, 1233 Evergreen Point Road**, architect and PC member, suggested the Council consider additional ordinance language. Under Criterion C, Landscaping, he stressed the importance of including language regarding clear sight lines at intersections. Deputy Mayor Nunn stated the Council would not be adopting the ordinance tonight. Mr. Nelson also voiced concern about school lighting spilling over onto adjoining residential properties. He also suggested the Council define some parking standards, rather than allow the school district to decide.

John Amanat, Capital Construction Manager, Bellevue School District, 12037 NE 8th Street, Bellevue 98005, requested a specific parking formula. PD Gellings stated staff had reviewed several formulas and decided to keep the parking criterion discretionary. Mr. Amanat requested a specific parking formula. Mayor Odermat noted the preliminary number of parking spaces provided to the Council had been based on Bellevue School District standards. Her notes from the PC meeting suggested the Council should ask school personnel about parking plans for overflow events, including the possibility of shuttle service. The PC had also discussed Grass Crete as an option for surfacing some parking area..

Ron Santi, 7842 NE 8th Street, stated the following:

- He submitted a packet of e-mails under separate cover.
- Neighborhood mitigation should be added to all the criteria categories.
- He asked for greater setbacks from NE 8th Street.
- Any two-story structures should be on the Overlake side, with only one story on the NE 8th Street side facing neighborhood front yard vistas.
- Parking and pick-up/drop-off stay in the same general area as present, but that it should be more efficiently designed.
- The school should be thought of in terms of a residential structure. He also wanted NE 8th Street to look more like Overlake Drive than it did at present.
- A neighborhood design committee should be involved in the process.

Mayor Odermat closed the public hearing. Following discussion, the Council made the following decisions for the Ordinance Establishing Special Use Criteria for Schools:

A. **Compatibility**—No changes.

School facilities and grounds must be compatible with the content of the Comprehensive Plan for the city and with any neighborhood planning goals that are adopted by the city.

B. **Setbacks**—No changes.

All parts of any building shall be set back 40 feet from any property line except that where the adjoining property is zoned for residential use, the setback shall be 60 feet.

C. **Landscaping**—No changes.

Permit applications must contain a design for a landscaping buffer upon each of the site's property lines which adequately mitigates visual and noise impacts of the school on surrounding residences. The design shall detail the location and species of proposed trees and vegetation, including use of year-round foliage patterns where

appropriate. Lines of sight necessary for safe school operation shall be considered in the landscaping plan. The landscaping plan shall accomplish aesthetic goals while minimizing impacts to safety-required lines of sight.

D. Emergency Preparedness Functions Center—With the exception of Council member Vall-Spinosa, who saw the school emergency preparedness center as an opportunity, the Council decided to remove this criterion.

D. (Replacing D above) Pedestrian and Vehicular Circulation Plan—The application shall include a pedestrian and vehicular circulation plan emphasizing safety and efficiency in the management of school-generated pedestrian and vehicular activity. The circulation plan must include school bus loading and unloading operations, deliveries and parking management.

E. Lighting—PD Gellings suggested including language stating school lighting should stay on school property, which met with Council approval.

With due consideration for safety concerns, the application shall include a lighting plan which establishes an overall lighting level which is compatible with a single-family neighborhood. School lighting should be designed to light only school property.

F. Safety—No changes.

The layout of buildings and the lighting design shall not create dead-end paths or concealment potential.

G. Parking—It was suggested the Council delete “special events”, not use a parking formula and leave the language as written. The Council authorized involvement of the city engineer with the school district for review of parking and circulation, to compare the parking plan with those used in other communities, and to report back prior to the SUP application process.

The proposal shall include an adequate number and size of parking spaces, taking into consideration the requirements of buses, staff, parents and deliveries.

H. Height—No changes.

The height at any point of any building or structure shall not exceed 35 feet measured vertically from the original or finished grade, whichever is lower.

I. Massing--In addition to the maximum building height restriction of Subsection H, the design of the building shall minimize the amount of three-dimensional bulk existing in the first 20 feet of the building on all sides of the building that adjoin residential-use properties, including residential properties which are separated from school property by a street. This minimization of bulk shall be accomplished through pitched roofs, step-backs or other architectural design techniques that reduce the perceived height of the building and eliminate flat facades facing residential properties.

J. Signs—Mayor Odermat suggested taking PD Gellings’ recommendation regarding signs that faced inward. PD Gellings suggested using existing Code provisions for signs, which met with Council consensus. The Signs criterion was eliminated. The Council requested a sign ordinance amendment to be scheduled for a future Council meeting.

J. Land Use Designation—No changes.

Construction of school buildings or associated structures shall only be allowed on parcels that are designated as school properties on the official land use map of the city.

K. Minimum Lot Area—No changes.

The building site shall have a minimum lot area as follows:

1. Elementary, five acres for the first 100 students, and one-half acre for each additional 100 students, or fraction thereof.
2. Junior or senior high, 10 acres for the first 100 students, plus one-half acre for each additional 100 students or fraction thereof.

L. Maximum Lot Coverage—No changes.

The school and all auxiliary buildings shall not cover more than 35 percent of the building site.

Council member Phelps moved, seconded by Council member Vall-Spinosa, to adopt the Special Use Criteria ordinance with the above revisions, which carried unanimously.

A recess was taken at 9:01 p.m., and the meeting reconvened at 9:10 p.m.

OTHER BUSINESS

Application for Rezone--Weymouth—City Attorney Wines asked if any Council member had an interest in the property or an interest in the outcome of the rezone petition; if any Council member had received any communications concerning the rezone application, and if any Council member was not able to render a fair decision. Deputy Mayor Nunn had no interest, and no ex parte contacts. Council member Blazey had no interest, and none in the outcome. He had received e-mails from citizens Art Dietrich and Henry Paulman. Council member Vall-Spinosa also had received those e-mails, but had no interest in the project or the outcome. None of the other Council members had any interest, or any in the outcome. City Attorney Wines asked if members would be affected or be unable to make an impartial decision, on the basis of the e-mails, and all replied they would not be affected.

PD Gellings gave an overview of the project and provided background information. He noted the three most recent letters from Medina citizens were in the Council packets. City Attorney Wines advised the applicant was only allowed to bring up issues that had been mentioned before the PC, and was not permitted to testify. The Council should keep in mind they were considering whether the PC recommendation was justified. He also stated new evidence could only be admitted if it related to the validity of the PC's decision and was newly discovered evidence, or if the PC improperly refused to accept or consider the evidence. He suggested the Council consider the pictures in the Council packets as illustrations, rather than new evidence.

Land-use attorney **Jeffrey Eustis, 505 Madison Street, Seattle 98104**, noted the Weymouth parcel was the only property in the Neighborhood Character Preservation District (NCPD) zone that straddled the ridge down to Groat Point. Property owners within the zone created the district to protect westerly facing views. The parcel was unique because it faced west, but focused to the south. Mr. Eustis stated the property was inappropriately included in the NCPD zone. He emphasized construction of this home would not impact the westerly view of any upslope properties. Further, it was in scale with other homes in the area, and the applicant had styled it well within setback lines. If he were not allowed a rezone, the resultant home would be more massive than was otherwise the case.

Ron Reed, Reed Architects, 16218 Vashon Highway SW, Vashon Island, 98070, stressed this was a unique property within the NCPD zone. The parcel actually sloped to the south. The applicant was only asking for a five-foot height addition. Mr. Reed showed a panoramic view picture at 20 feet height and at 25 feet height. Mr. Reed disagreed with adjacent neighbor **Arne Josefsberg's** testimony that he had a view during the February 3, 2004 PC hearing. Mr. Reed stated the property in question had been arbitrarily chosen to be within the NCPD zone. The parcel had a view to the west, but focused to the south. It also had the least slope of all properties within the NCPD. During the PC hearing, Chair Lostrom stated the citizens committee, in determining which properties were included in the NCPD, utilized topographical facts. He emphasized most of them had a topographical difference whether they were in the NCPD zone or out of it. He did not believe a two-foot height difference would make a view. Mr. Reed also stated there was a 25-foot hedge surrounding the **Josefsberg** property comprised of plant material that was classified as a tree at Medina Nursery. It could grow to be 40-50 feet high, per research through the University of Oregon. Therefore, what was no view was suddenly a view. He requested reconsideration of the PC report.

Paul Saad, 7644 NE 8th Street, general contractor for the **Josefsberg** property, stated he had been a member of the PC when approval was granted for this ordinance creating the NCPD zone. It was the neighborhood residents who had approached the PC requesting a 20-foot height limit. He challenged **Mr. Eustis'** statement that views would not be impacted. Mr. Saad had walked the property and had planted stakes. No permit had yet been issued for the **Josefsbergs**. Therefore, no height had been established for a structure on their property. He noted the height limit was measured from the lowest point where the foundation intersected the ground. He provided an overview of view corridors from the **Josefsberg** site to both east and west. Mr. Saad clarified the architect had stated the hedge that had been cut down was really a tree. He had notified the city ahead of time the **Josefsbergs** wanted to trim the hedge in the right of way, and had been given permission to do so. Mr. Saad also stated the **Josefsberg** parcel was not part of the NCPD, and the height of the house would determine where it would be situated on that property.

Anna Riley, 8429 NE 7th Street, stated she was the real estate agent for the **Josefsberg** property. It was important that the property had both east and west views. A section of the hedge had been cut down to show them the western view. She had informed them the Weymouth property was part of the NCPD zone. Ms. Riley emphasized the **Josefsbergs** had every right to maximize both their western and eastern views. Further, Mr. Weymouth had known his parcel was in the NCPD zone when he purchased his lot. The existing home on the Weymouth parcel

had a good view corridor. The PC had taken into consideration that everyone knew beforehand about the NCPD zone and knew what they were purchasing. She did not want the **Josefsbergs** to suffer injury to their view corridor.

Susan Potts, 8443 NE 6th Street, emphasized assumption should not be turned into fact. It did not serve the citizens well to overturn the NCPD. People who purchased lots in the future would use this decision as an example. People purchasing property needed to be able to count on the fact the parcel would be the same in the future, and those residents' homes would hold their value. She emphasized that two feet could obliterate a view.

Ron Reed did not think that a full view to the west existed from the **Josefsberg** parcel, but that there was a western view to the north end of the Weymouth lot. He noted the **Josefsberg** parcel was actually on the ridgeline as well. Mr. Reed distributed pictures. He emphasized the shrub was classified as a tree, which could grow to 50 feet high. The OTAK representative had determined it was cut without a permit on city right-of-way property. In the end, it was stated it was a shrub.

Paul Saad referred to the stakes, noting when he had installed them, he had been working with the **Josefsbergs**. A surveyor had not installed them, and the stakes had not been located per a final set of blueprints for the house.

Arne Josefsberg, 8620 NE 7th Street, stated he had lived in Medina Heights for eight years, and had surveys done to consider both easterly and western views. He had made a very large investment for this property on Upland Road, particularly for its western exposure. Mr. Josefsberg emphasized there was a view to the western side of Lake Washington that was very important to him. Further, the valuation was based on both views. He emphasized that Mr. Weymouth had purchased his parcel knowing there was a 20-foot height limit. During the PC hearing, it was made clear that the reason for the NCPD zone was to protect views. No facts had changed.

Ron Santi stated the conditions had not changed significantly since the property was zoned. The applicant was asking to change a long-standing rule that everyone understood. He emphasized the burden should be upon the applicant, especially since the neighbors had voiced objections. He urged the Council to reject the rezone.

Edith Martin, 8467 Midland Road, wanted to know the size of the proposed Weymouth house. **Mr. Reed** responded the proposed home was a little over 4,000 feet, and the basement would be totally underground. Ms. Martin thought the residence would look out of place, looking up from Midland Road.

Rod Bindon, 8424 NE 6th Street, recalled he had served on the NCPD committee in 1997 that had conducted research on this matter and had made a recommendation to the PC. Mr. Johnson, the former owner, had been a member of this committee and could have mentioned any preference. The NCPD line had been drawn with Mr. Johnson's concurrence and the committee's polling of neighbors. Mr. Bindon stated the NCPD should be left as is, unless there were some special circumstances, and he was not aware of any.

Dick Hansen, 443 – 86th Avenue NE, stated 56 property owners had been in favor of a 20-foot height restriction, and three against it. There were 15 citizens who could not be contacted because houses were for sale, or they were on vacation. Further, 32 people in the 25-foot height level wanted to be included in the 20-foot limit, but were excluded by final analysis of the Council and the city engineer. It was the people's vote that was very important to what was being considered.

Arne Josefsberg asked if Mr. Weymouth could expand his proposed home by seven feet and obtain a variance. **Mr. Reed** responded they could not expand within the setbacks by seven feet. PD Gellings added if the house were built as proposed, an addition could not be done because lot coverage was already maximized. After it was built, if Mr. Weymouth wanted to extend, something else must be removed.

Mr. Eustis noted residents who had spoken all resided outside of the NCPD zone. He pointed out the **Josefsberg** house might be located further down the slope from the existing house on the Weymouth lot. If so, they had less of a view to begin with, because the beginning point was lower. If the Weymouth roof height went to 25 feet, the **Josefsbergs** would be losing less because they already had less. The listing agent had stated view was very important. One could not judge a view from the house that was already on the Weymouth property, because that home was not going to be replicated. The actual view would be replicated by the yellow rectangle shown earlier. Mr. Hanson had stated the original perimeter for the NCPD included properties on the west and east side of the ridge. The NCPD zone excluded properties on the east side. Attorney **Eustis** opined that Weymouth request fully complied with the intent of creating the NCPD zone. What Mr. Weymouth was requesting fully complied with the

NCPD zone. The purpose of the zone was to protect westerly-facing properties. The Weymouth property had been inappropriately zoned in the NCPD.

Anne Zubko, 8604 NE 6th Street, stated people living in the NCPD zone had made real estate decisions based on view protection. She suggested the Council look out for the good of a wider group rather than one person requesting special favors.

Anna Josephsberg, 8620 NE 7th Street, stated it was insulting to hear she was ‘insane’ to want to build a house facing west.

Mayor Odermat referred to the directions given at the bottom of the first page of item J-7, which stated the Council must find all five of the criteria had been met in order to approve a rezone. The Council affirmed the PC decision because not all of the conditions had been met, and denied the Weymouth rezone application. City Attorney Wines advised giving the Mayor authority to sign the Resolution regarding Reclassification of Zoning District for the Weymouth residence. Council member Blazey moved, seconded by Council member Vall-Spinosa, to adopt the resolution and to authorize the Mayor to sign it, which passed unanimously.

Authorization for Administrative Approval of Temporary Construction Mitigation Plan—Shiro—CM Schulze explained the issue had come up Thursday of last week because of an expired building permit and construction mitigation plan for the Shiro property. He noted it could hold up the project. CM Schulze described the options at the staff level. BO Rohrbach explained this anomaly had not been anticipated when Chapter 15.20 was adopted. CM Schulze added the project did not meet criteria for extension of their permit, and it required a new one. In order to obtain a new permit, the project would require a mitigation plan to be approved by the PC, which would take 60-75 days. In the meantime, the project would be shut down until the PC approved the mitigation plan. BO Rohrbach estimated the project could be completed in 90-100 days if it were allowed to continue. Staff had suggested a temporary mitigation plan that could be administratively approved or an emergency ordinance to approve requirements for the mitigation plan. There was no other option except to shut down the project until the mitigation plan could be approved. BO Rohrbach noted the applicant had built a major retaining wall on the project prior to beginning house construction. It had been a very complex project that could have been completed within the initial 18-month period, if everything went well. The existing ordinance required city review of all on-site work at time of permit extension or renewal. The applicant had completed 98 percent of the required work. However, some items had been ordered from China. There were also some other things that could not be completed to the point where BO Rohrbach could grant an extension. Further, this project had been approved under the old mitigation requirements, and had begun before the new Level II mitigation requirements took effect. BO Rohrbach recommended giving the City Manager authority to work with him and PD Gellings for administrative approval of a temporary construction mitigation plan, if the applicant could complete the project within 180 days. Council member Vall-Spinosa moved, seconded by Council member Adam, to approve a temporary construction mitigation plan for the Shiro project, and the motion passed, with Council member Phelps abstaining.

Dave Broder, 26109 – 201st Place SE, Covington, stated the owners had tried to get the project completed in 18 months to appease their neighbors. He indicated they still had to apply for a new permit.

Citizen Request for Refund of Collection Fees—Council member Blazey stated he had some concerns about this request and proposed moving it to a future meeting. CM Schulze stated he had explained to the owner the Council would be discussing this request tonight. However, it could be a future meeting agenda item.

Ordinance Amending MMC 2.40 – Park Board Rules and Procedures—It was noted the current ordinance contained some flaws, such as Council members serving as ex officio members of the Park Board. A Council member commented it was not the PB’s role to approve/recommend ordinance language for a Council advisory body. It was suggested the word “direction” be removed from 2.40.020A and 2.40.040 and replaced with “advice”. It was also recommended that the words “without respect to political affiliation” be removed from 2.40.020B. DPW Jahn disagreed with the ordinance as written, as the Park Board had not had an opportunity to review it, and he had concerns with some of the wording. CM Schulze commented staff had discussed the concerns raised by DPW Jahn and felt the ordinance was appropriate. Deputy Mayor Nunn suggested the ordinance language could later be fine-tuned, with input from the Park Board. He moved, seconded by Council member Adam, to adopt the Ordinance Amending MMC 2.40—Park Board Rules and Procedures as modified. The motion carried with Council member Phelps opposed and the others in favor.

Appoint Park Board Commissioners—It was suggested the format for the application form could be reviewed at a future time. The Council unanimously confirmed the following Park Board appointments:

- a. Susannah Stuart—Position No. 4, term expires June 30, 2007
- b. Lisa Fleischman—Position No. 5, term expires June 30, 2008
- c. Tim O'Brien—Position No. 6, term expires June 30, 2008

Annual City Council Retreat—The annual City Council Retreat was set for May 8, 2004, with a tentative schedule of 8:00 a.m.- 4:00 p.m. Michael Pendleton will facilitate the Retreat. It was noted the retreat was open to the public.

Ordinance Amending 1997 Uniform Building Code—Deputy Mayor Nunn recused himself from discussion of this agenda item. City Attorney Wines explained there were valid safety issues with installing a 54-foot cell tower near a walkway. BO Rohrbach added the new edition of the UBC required structures in the right-of-way to have a permit. The issue was whether the applicant would have to go through the permit process. Council member Vall-Spinosa moved, seconded by Council Blazey, to adopt the Ordinance Amending the 1997 Uniform Building Code, and the motion carried unanimously.

Agenda Calendar—Council calendar agenda changes were made.

EXECUTIVE SESSION

It was noted the Council had met in Executive Session at 6:00 p.m. tonight to discuss personnel matters, per RCW 42.30.110(g) and land acquisition, per RCW 42.30.110(c). The Council recessed into Executive Session at 11:38 p.m. to discuss personnel matters, per RCW 42.30.110(g). The meeting reconvened at 12:15 a.m.

ADJOURNMENT

Council member Adam moved, seconded by Council member Vall-Spinosa, to authorize the Public Works Labor Agreement, which was approved by the Council. It was moved and seconded to adjourn the meeting at 12:15 a.m., and the motion carried unanimously.

Mayor Mary Odermat

Attest:

Caroll P. Wedlund, Recording Secretary